

WATER COURT
ABSTRACT OF WATER RIGHT CLAIM
MISSOURI RIVER, BETWEEN MUSSELSHELL RIVER AND FORT PECK DAM
BASIN 40E

IMPORTANT NOTICE

AN ASTERISK (*) HAS BEEN PLACED NEXT TO EACH ITEM CHANGED BY ORDER OF THE MONTANA WATER COURT AFTER ISSUANCE OF THE PREVIOUS DECREE.

Water Right Number: 40E 165371-00 STATEMENT OF CLAIM

Version: 2 -- ORIGINAL RIGHT

Status: ACTIVE

Owners: USA (DEPT OF ARMY CORP OF ENGINEERS)
6014 US POST OFFICE & COURTHSE
214 N 17TH ST
OMAHA, NE 68102

Priority Date: JUNE 24, 1937

Type of Historical Right:

Purpose (use): IRRIGATION

Purpose Clarification: STORAGE

Irrigation Type:

***Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED FOR THIS USE FROM THIS ONSTREAM RESERVOIR.

Volume: 17,900,000.00 AC-FT

Climatic Area: 1 - HIGH

***Source Name:** MISSOURI RIVER (FORT PECK LAKE)

Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			15	26N	41E	MCCONE

Period of Diversion:

Diversion Means: DAM

***Reservoir:** ONSTREAM **Reservoir Name:** FORT PECK LAKE

<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
		15	26N	41E	MCCONE

Diversion to Reservoir: DIVERSION # 1

Dam Height: 250.50 FEET

Depth: 220.00 FEET

Surface Area: 245,000.00 ACRES

Capacity: 18,463,000.00 ACRE-FEET

SEE THE US ARMY CORPS OF ENGINEERS FORT PECK PROJECT STATISTICS
IN THE CLAIM FILE FOR ADDITIONAL RESERVOIR DATA.

FORT PECK LAKE IS LOCATED ALONG THE NORTHERN BORDER OF GARFIELD COUNTY AND THE SOUTHERN BORDER OF PHILLIPS AND VALLEY COUNTIES. IT IS ALSO IN THE NORTHEAST BORDER OF PETROLEUM COUNTY AND THE VERY NORTHWEST BORDER OF MCCONE COUNTY.

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
-----------	--------------	-----------------	------------	------------	------------	------------	------------	---------------

THE PLACE OF USE IS IN VALLEY, PHILLIPS, MCCONE, GARFIELD, PETROLEUM AND FERGUS COUNTIES.

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

165365-00 165366-00 165367-00 165368-00 165369-00 165370-00 165371-00

THE REQUESTED FLOW RATE IS 486,000 CFS. THE REQUESTED VOLUME IS 17,900,000 AF.

THIS APPROPRIATION OF WATER TAKES WATER FROM THE MISSOURI RIVER BETWEEN MUSSELSHELL RIVER AND FORT PECK DAM DRAINAGE (BASIN 40E) AND USES IT IN THE MISSOURI RIVER BETWEEN MUSSELSHELL RIVER AND FORT PECK DAM DRAINAGE (BASIN 40E), MUSSELSHELL RIVER BELOW ROUNDUP DRAINAGE (BASIN 40C), MISSOURI RIVER BETWEEN BULLWACKER CREEK AND MUSSELSHELL RIVER DRAINAGE (BASIN 40EJ), MILK RIVER BELOW WHITEWATER CREEK INCLUDING PORCUPINE CREEK DRAINAGE (BASIN 40O), DRY CREEK DRAINAGE (BASIN 40D), AND MISSOURI RIVER BELOW FORT PECK DAM DRAINAGE (BASIN 40S). ANY OBJECTION TO THIS RIGHT MAY BE FILED DURING THE OBJECTION PERIODS FOR EITHER THE POINT OF DIVERSION OR PLACE OF USE BASIN.

THE FOLLOWING POTENTIAL ISSUES WERE IDENTIFIED DURING CLAIMS EXAMINATION OR DURING PREVIOUS WATER COURT PROCEEDINGS.

THIS INTERBASIN CLAIM RECEIVED OBJECTIONS IN BASIN 40E.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 40D BASIN PRELIMINARY DECREE ISSUED 09/28/1984.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 40O BASIN PRELIMINARY DECREE ISSUED 05/24/1995.

THIS INTERBASIN TRANSFER CLAIM WAS NOT INCLUDED IN THE 40C BASIN TEMPORARY PRELIMINARY DECREE ISSUED 02/06/1990.

THE PERIOD OF DIVERSION FROM THE SOURCE INTO STORAGE CANNOT BE IDENTIFIED.

THE PERIOD OF DIVERSION MAY REQUIRE MODIFICATION BASED ON RESOLUTION OF THE PERIOD OF USE ISSUE.

THE CLAIMED PERIOD OF USE EXCEEDS THE USUAL PERIOD OF USE FOR THE CLAIMED PURPOSE WHICH IS MARCH 15 TO NOVEMBER 15.

THE PLACE OF USE LEGAL LAND DESCRIPTION COULD NOT BE REFINED FROM INFORMATION IN THE CLAIM FILE.

NO TYPE OF IRRIGATION SYSTEM HAS BEEN CLAIMED. THE TYPE OF HISTORICAL IRRIGATION APPEARS TO HAVE BEEN A FLOOD SYSTEM.

NO TYPE OF HISTORICAL RIGHT WAS CLAIMED. DOCUMENTATION TO SUPPORT THE TYPE OF
HISTORICAL RIGHT WAS NOT SUBMITTED WITH THIS CLAIM.